

Pra titi n r' Dock t N . MSU 4.1-541

DEC 01 2003
TECH CENTER
PATENT 1600/2900
654

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re application of: Muraleedharan G. Nair, Haibo Wang, Gale M. Strasburg, Alden M. Booren, and James I. Gray

Application No.: 09/761,143 Group No.: 4327
Filed: 2001 January 16 Examiner: Patricia A. Patten
For: METHOD FOR INHIBITING CYCLOOXYGENASE AND
INFLAMMATION USING CYANIDIN
Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that the *attached* correspondence comprising:

REPLY BRIEF UNDER 37 C.F.R. 1.193 (b)
in triplicate

is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to:

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on November 18, 2003.

Jessica R. House

(type or print name of person mailing paper)

Signature of person mailing paper

(Certificate of Mailing under 37 CFR § 1.8(a) [8-2])

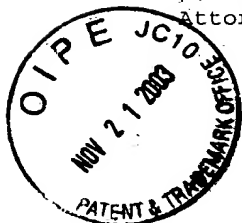
Appln. No. 09/761,143
Reply dated November 7, 2003
In Response to Examiner's Answer
of 10/02/03
Attorney Docket No.: MSU 4.1-541

RECEIVED

DEC 01 2003

TECH CENTER 10012003

MSU 4.1-541



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Muraleedharan G. Nair, Haibo Wang, Gale
M. Strasburg, Alden M. Booren, and James
I. Gray

Serial No.: 09/761,143 Confirmation No.: 4327

Filed : 2001 January 16

For : METHOD FOR INHIBITING CYCLOOXYGENASE AND
INFLAMMATION USING CYANIDIN

TC/A.U. : 1654

Examiner : Patricia A. Patten

Customer No.: 21036

Mail Stop Appeal Brief - Patents
Commissioner For Patents
P. O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF UNDER 37 C.F.R. § 1.193(b)

Sir:

In the Examiner's Answer on page 6 it is
asserted that:

"It is further noted that cyanidin is found in
nature in the glycosidic anthocyanin form as
displayed below"

with a glycosated anthocyanin shown and a circle around
a "cyanidin core structure" as an indication that
cyanidin did not occur in nature (such as cherries).

Appln. No. 09/761,143
Reply dated November 7, 2003
In Response to Examiner's Answer
of 10/02/03
Attorney Docket No.: MSU 4.1-541

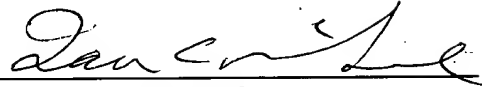
This statement is not consistent with the art cited in the application on page 2, line 35 to page 3, line 3, particularly Dekazos, E.D., J. Of Food Science **35** 237-241 (1970), cited as reference A5 and attached hereto for the convenience of the Board. This reference discusses Montmorency cherries and other sour cherries and Table 2 clearly identified "cyanidin" as a color pigment in the skin. Since the anthocyanins occur in the pulp as well, it is very likely that they would occur in the pulp. In any event, in Applicants' Examples 1 and 2 the whole cherry (including the skin) was blended in the WARING blender. Thus cyanidin clearly occurs in nature and is in the naturally derived compositions described in the application. The hydrolyzed glycosylated anthocyanins were used to obtain enough for testing in the Examples.

Clearly Applicants' invention is enabled under 35 USC 112, first paragraph. The arguments in the Examiner's Answer are based upon pure speculation and not science. The Dekazos reference essentially negates the contents of the Examiner's Answer.

Appln. No. 09/761,143
Reply dated November 7, 2003
In Response to Examiner's Answer
of 10/02/03
Attorney Docket No.: MSU 4.1-541

Reversal of the Rejection is requested.

Respectfully,

A handwritten signature in cursive script, appearing to read "Ian C. McLeod", written over a horizontal line.

Ian C. McLeod
Registration No. 20,931

McLeod & Moyne, P.C.
2190 Commons Parkway
Okemos, MI 48864

(517) 347-4100
Fax: (517) 347-4103